

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WAYNE ROSE,

Plaintiff,

- against -

21-cv-9164 (JGK)

RESHMA SHAH, ET AL.,

Defendants.

ORDER

JOHN G. KOELTL, District Judge:

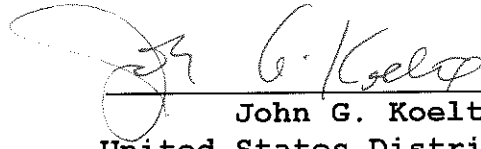
The Court has received the defendants' letter dated January 10, 2023, informing the Court that the plaintiff, who was proceeding without the assistance of counsel (or "pro se"), has died. ECF No. 33.

When a party to a lawsuit dies, "the court may order substitution of the proper party." Fed. R. Civ. P. 25(a)(1). "A motion for substitution may be made by any party or by the decedent's successor or representative," but such a motion must be "made within 90 days after service of a statement noting the death." Id. Otherwise, "the action by or against the decedent must be dismissed." Id. Therefore, any motion for the substitution of a proper party for Mr. Rose should be filed by **Monday, April 10, 2023**. If a successor or representative of Mr. Rose wishes to file such a motion but is unable to do so within that time period, the successor or representative should inform the Court by letter.

This action is stayed pending the resolution of the status of Mr. Rose, or any substituted party. The Clerk's Office is directed to mail a copy of this Order to the plaintiff's address listed on the docket and to note such mailing on the docket.

SO ORDERED.

Dated: New York, New York
January 10, 2023



John G. Koeltl
United States District Judge